

BEFORE THE JUDICIAL PANEL
ON MULTIDISTRICT LITIGATION

IN RE PET FOOD PRODUCTS
LIABILITY LITIGATION

CASE NO. MDL DOCKET NO. 1850

**DECLARATION OF STEPHEN S.
MILLER OF DEFENDANT
CHEMNUTRA INC. IN SUPPORT
OF DEFENDANTS' MOTION TO
LIMIT THE RETENTION OF
RECALLED PET FOOD AND
RAW WHEAT GLUTEN**

STATE OF NEVADA)
) SS:
COUNTY OF CLARK)

I, Stephen S. Miller, being first sworn upon oath, says:

1) I am the Chief Executive Officer of Defendant ChemNutra Inc.

("ChemNutra"). I am making this Declaration based upon personal knowledge and am competent to testify to the matters stated below.

2) In my position as Chief Executive Officer for ChemNutra, my duties and responsibilities include, among other things, retrieving, storing, maintaining and organizing the recalled raw wheat gluten and tracking the quantity of recalled raw wheat gluten.

Exhibit 9

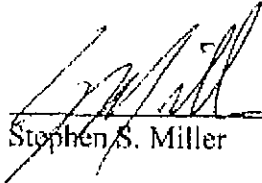
3) In March, April and May 2007, there were recalls of pet food that may have been tainted with contaminated wheat gluten. As a result of the recalls, a tremendous amount of recalled product was retained by, returned to and collected by ChemNutra. ChemNutra has roughly 900,000 pounds of recalled raw wheat gluten that is currently stored in three locations: MoKan Container Service, Inc. in Kansas City, Missouri; Steven Shannon Warehouse in Bloomsburg, Pennsylvania; and Standard Warehouse and Distribution Co., Ltd. in Pennsauken, New Jersey. ChemNutra has been told that it must remove its wheat gluten from the Standard Warehouse and Distribution Co., Ltd. in Pennsauken, New Jersey due to objections by other customers.

4) Most of the recalled raw wheat gluten stored by ChemNutra is stored in 55 pound bags or in 900 kilogram totes. Attachment "A" to this Declaration is an inventory list of the recalled raw wheat gluten currently stored by ChemNutra including the batch numbers of the recalled wheat gluten and the approximate quantity of product in each batch.

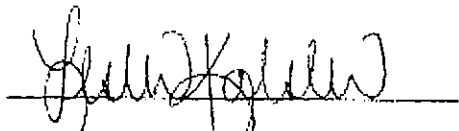
5) The cost to ChemNutra of storing the 55 pound bags and 900 kg totes of recalled wheat gluten is approximately \$4,000 per month.

6) The raw wheat gluten is perishable. On June 29, 2007, the Food and Drug Administration ("FDA") sent a letter to ChemNutra expressing its concern about the "public health risk" associated with ChemNutra storing their approximately 430 metric tons of wheat gluten. In its letter, the FDA told ChemNutra to "consider the option of retaining a representative sample" of raw wheat gluten and urged ChemNutra to "seek whatever relief is appropriate from the Court." A true and correct copy of the June 29, 2007 letter from David Elder of the FDA to ChemNutra is attached hereto as Attachment "B."

7) I have a general understanding of Dr. George P. McCabe's proposed sampling plan for Defendants' products. I believe that ChemNutra will be able to gather its raw wheat gluten in accordance with the sampling plan recommended by Dr. McCabe.


Stephen S. Miller

Subscribed and Sworn to before me on this
this 10th day of December 2007.



Notary Public in and for

Said County and State

My Commission expires: 02-24-2010

